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July 31, 2018

Via ECF:

Hon. Therese W. Dancks, U.S. Magistrate Judge
Federal Building and U.S. Courthouse
P.O. Box 7346
Syracuse, NY 13261-7346.

Re: CNY FAIR HOUSING, INC., et al. WATERBURY, et al.
Civil Action No.: 5:17-CV-868

Dear Judge Dancks:

The following is submitted as a status report per the Court's directive and was prepared with input from counsel in both related cases.

Formal financial disclosures were provided to counsel in both cases on July 12, 2018.

It is the position of both the private Plaintiffs and the DOJ that the financial disclosure forms were incomplete, did not attach all of the supplemental documentation that the forms required, and thus prevent Plaintiffs from evaluating Defendants' settlement position.

A revised settlement offer was presented to Counsel for the plaintiffs in both cases on July 23, 2018, together with a request for available dates for a judicial settlement conference during the week of August 20, 2018. The government responded with a counter demand on July 29, 2018, while also noting that deficiencies in Defendants' financial submissions impeded further progress of ongoing settlement efforts. The private plaintiffs have taken the same position, having notified counsel in writing that deficiencies in the financial disclosures prevent them from fully evaluating Defendants' settlement proposal and/or making a counter demand. Supplemental financial information was forwarded on July 30, together with a renewed request for availability for a settlement conference.

Defendants continue to provide information as it becomes available to counsel and disagree that the perceived deficiencies should be a barrier to scheduling settlement talks. All Plaintiffs are eager to continue settlement negotiations, but given that Defendants' settlement position relies almost exclusively on their representations about Defendants' financial condition, they need a full and complete picture of the financials in order to move forward.



Available dates for depositions were discussed. Unfortunately, there were very few mutually convenient dates in September. In addition, Mr. Waterbury is having surgery on September 19 and will be unavailable for approximately two weeks following. All counsel continue to discuss a deposition schedule for October, but believe that realistically, the month of November will be needed as well.

We will contact the Court as soon as the parties agree we are in a position to move forward with a judicial settlement conference.

If the Court would like to discuss any of the above referenced issues, counsel is available.

Respectfully submitted,

HANCOCK ESTABROOK, LLP

Lindsey H. Hazelton

LHH:mlt

cc: All Counsel, via ecf